

By: Representative Holland

To: Public Health and Human
ServicesHOUSE BILL NO. 607
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-53-3, 73-53-8, 73-53-10,
2 73-53-11 AND 73-53-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
3 DEFINITIONS FOR THE SOCIAL WORKER LICENSURE LAW, CREATE THE BOARD
4 OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY
5 THERAPISTS, SET OUT THE POWERS OF THE BOARD, AND PRESCRIBE THE
6 LICENSURE REQUIREMENTS FOR SOCIAL WORKERS, AND 73-54-1 THROUGH
7 73-54-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
8 LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS; TO
9 AMEND SECTION 73-53-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
10 STATEMENT OF PURPOSE OF THE SOCIAL WORKER LICENSURE LAW; TO AMEND
11 REENACTED SECTION 73-53-3, MISSISSIPPI CODE OF 1972, TO PROVIDE
12 DEFINITIONS FOR ADDITIONAL TERMS FOR THE PURPOSE OF THE SOCIAL
13 WORKER LICENSURE LAW; TO AMEND SECTION 73-53-5, MISSISSIPPI CODE
14 OF 1972, TO CLARIFY A REFERENCE; TO AMEND SECTION 73-53-7,
15 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF CERTAIN TITLES OR
16 LETTERS INDICATING OR IMPLYING THAT A PERSON IS A SOCIAL WORKER
17 UNLESS THE PERSON HOLDS A VALID SOCIAL WORKER LICENSE; TO DELETE
18 CERTAIN GRANDFATHER PROVISIONS FOR LICENSURE; TO INCREASE THE
19 PENALTIES FOR VIOLATIONS OF THE SOCIAL WORKER LICENSURE LAW; TO
20 AMEND REENACTED SECTION 73-53-8, MISSISSIPPI CODE OF 1972, TO
21 REDUCE THE PERIOD DURING WHICH MARRIAGE AND FAMILY THERAPISTS
22 APPOINTED TO THE BOARD MUST HAVE BEEN ACTIVELY ENGAGED IN PRACTICE
23 IMMEDIATELY BEFORE APPOINTMENT TO THE BOARD; TO AMEND REENACTED
24 SECTION 73-53-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
25 MONETARY PENALTIES IMPOSED BY THE BOARD SHALL BE DEPOSITED INTO
26 THE BOARD'S SPECIAL FUND INSTEAD OF INTO THE STATE GENERAL FUND;
27 TO REVISE WHO IS AUTHORIZED TO SIGN REQUISITIONS FOR EXPENDITURES
28 OF MONIES IN THE BOARD'S SPECIAL FUND; TO AMEND REENACTED SECTION
29 73-53-11, MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL POWERS
30 TO THE BOARD; TO AMEND SECTION 73-53-13, MISSISSIPPI CODE OF 1972,
31 TO CLARIFY THE TYPE OF EXAMINATION THAT APPLICANTS MUST PASS FOR
32 SOCIAL WORKER LICENSURE; TO REQUIRE APPLICANTS FOR SOCIAL WORKER
33 LICENSURE TO COMPLETE CRIMINAL HISTORY RECORDS CHECKS; TO AMEND
34 SECTION 73-53-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE
35 PROCEDURE FOR APPLICATION FOR LICENSURE AS A SOCIAL WORKER OR
36 MARRIAGE AND FAMILY THERAPIST; TO AUTHORIZE THE BOARD TO CHANGE
37 THE AMOUNT OF FEES THROUGH ITS RULEMAKING AUTHORITY; TO AUTHORIZE
38 THE BOARD TO CHARGE EXAMINATION FEES TO APPLICANTS; TO AUTHORIZE
39 THE BOARD TO ISSUE TEMPORARY LICENSES DURING A DECLARED DISASTER
40 OR EMERGENCY; TO AMEND SECTION 73-53-17, MISSISSIPPI CODE OF 1972,
41 TO PROVIDE ADDITIONAL GROUNDS FOR DISCIPLINARY ACTION AGAINST
42 LICENSEES AND APPLICANTS; TO AMEND SECTION 73-53-19, MISSISSIPPI
43 CODE OF 1972, TO REQUIRE THAT COMPLAINTS FILED WITH THE BOARD
44 AGAINST A LICENSEE MUST CONTAIN THE NAME OF THE COMPLAINING PARTY;
45 TO AMEND SECTION 73-53-21, MISSISSIPPI CODE OF 1972, TO PROVIDE
46 THAT A PERSON WHOSE APPLICATION FOR A LICENSE IS DENIED IS



ENTITLED TO A HEARING BEFORE THE BOARD UPON WRITTEN REQUEST; TO AMEND SECTION 73-53-23, MISSISSIPPI CODE OF 1972, TO EXPAND THE TYPES OF SANCTIONS AVAILABLE TO THE BOARD FOR DISCIPLINARY ACTION AGAINST LICENSEES OR APPLICANTS; TO AMEND SECTION 73-53-27, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION THAT A CIRCUIT COURT MAY ORDER THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF DOCUMENTS IN ANY HEARING BEFORE THE BOARD; TO AMEND REENACTED SECTION 73-54-5, MISSISSIPPI CODE OF 1972, TO DEFINE "MARRIAGE AND FAMILY THERAPY ASSOCIATE" FOR THE PURPOSES OF THE MARRIAGE AND FAMILY THERAPY LICENSURE LAW; TO AMEND REENACTED SECTION 73-54-7, MISSISSIPPI CODE OF 1972, TO PROHIBIT PERSONS WHO DO NOT HOLD A VALID AND CURRENT LICENSE ISSUED BY THE BOARD FROM PRACTICING MARRIAGE AND FAMILY THERAPY; TO AMEND REENACTED SECTION 73-54-9, MISSISSIPPI CODE OF 1972, TO DELETE A TERM THAT MARRIAGE AND FAMILY THERAPY INTERNS WERE AUTHORIZED TO USE; TO AMEND REENACTED SECTIONS 73-54-11, 73-54-13, 73-54-37 AND 73-54-39, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE LICENSURE OF MARRIAGE AND FAMILY THERAPY ASSOCIATES; TO REPEAL SECTION 73-54-15, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBES THE QUALIFICATIONS FOR MARRIAGE AND FAMILY THERAPIST LICENSE APPLICANTS ON OR BEFORE SEPTEMBER 1, 2000; TO AMEND REENACTED SECTION 73-54-17, MISSISSIPPI CODE OF 1972, TO CLARIFY THE EDUCATIONAL AND EXPERIENCE QUALIFICATIONS FOR LICENSURE AS A MARRIAGE AND FAMILY THERAPIST; TO PRESCRIBE THE QUALIFICATIONS FOR LICENSURE AS A MARRIAGE AND FAMILY THERAPY ASSOCIATE; TO REQUIRE APPLICANTS FOR EITHER LICENSE TO COMPLETE CRIMINAL HISTORY RECORDS CHECKS; TO AMEND REENACTED SECTION 73-54-19, MISSISSIPPI CODE OF 1972, TO CLARIFY PROVISIONS RELATING TO ADMINISTRATION OF THE LICENSURE EXAMINATION; TO PROVIDE THAT THE COST OF THE EXAMINATION SHALL BE PAID BY THE APPLICANT; TO AMEND REENACTED SECTION 73-54-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MARRIAGE AND FAMILY THERAPISTS LICENSED IN OTHER STATES WHO APPLY FOR LICENSURE BY RECIPROCITY MUST HAVE PASSED THE NATIONAL EXAMINATION IN MARITAL AND FAMILY THERAPY; TO REPEAL SECTION 73-54-25, MISSISSIPPI CODE OF 1972, WHICH DIRECTS THE BOARD TO CHARGE AN APPLICATION FEE AND EXAMINATION FEE TO APPLICANTS FOR LICENSURE AS A MARRIAGE AND FAMILY THERAPIST; TO AMEND REENACTED SECTION 73-54-27, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM AMOUNT OF THE LICENSE RENEWAL FEE; TO AMEND REENACTED SECTION 73-54-29, MISSISSIPPI CODE OF 1972, TO ADD CONTINUED PRACTICE WITH A LAPSED LICENSE AS A GROUND FOR DISCIPLINARY ACTION AGAINST A LICENSEE; TO AMEND SECTION 73-54-41, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-53-1, Mississippi Code of 1972, is amended as follows:

73-53-1. It is declared to be the policy of the State of Mississippi that the profession of social work affects the public health, safety and welfare and requires appropriate regulation and control in the public interest. It is the intent of this chapter to protect the people of Mississippi by promoting high standards



98 of professional performance for those engaged in the profession of
99 social work by regulating the title and by setting standards of
100 qualification, education, training and experience for those who
101 engage, or seek to engage, in the practice of social work.

102 **SECTION 2.** Section 73-53-3, Mississippi Code of 1972, is
103 reenacted and amended as follows:

104 73-53-3. As used in this chapter:

105 (a) "Board" means the Board of Examiners for Social
106 Workers and Marriage and Family Therapists created under Section
107 73-53-8.

108 (b) "Social work practice" means the professional
109 activity directed at enhancing, protecting or restoring people's
110 capacity for social functioning, whether impaired by physical,
111 environmental or emotional factors.

112 (c) "Master's social work practice" means the
113 application of social work theory, knowledge, methods and ethics
114 and the professional use of self to restore or enhance social,
115 psychosocial, or biopsychosocial functioning of individuals,
116 couples, families, groups, organizations and communities.
117 Master's social work practice includes the application of
118 specialized knowledge and advanced practice skills in the areas of
119 assessment, treatment planning, implementation and evaluation,
120 case management, information and referral, counseling,
121 supervision, consultation, education, research, advocacy,
122 community organization and the development, implementation, and
123 administration of policies, programs and activities. Under
124 supervision as provided in this chapter, the practice of master's
125 social work may include the practices reserved to clinical social
126 workers.

127 (d) "Macro social work practice" focuses on changing
128 larger systems, such as communities and organizations. It
129 encompasses a broad spectrum of practice, including planning,
130 program development, community organizing, policy analysis,



legislative advocacy, program evaluation, task-oriented group work, community education, and human services management.

(e) "Clinical social work practice" means the application of social work methods, knowledge, theory, and ethics in the application of specialized clinical knowledge and advanced clinical skill in areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. This involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to those persons. Licensed clinical social workers may provide evaluations consistent with the scope of their education, training and experience, which shall occur within the context of a therapeutic relationship.

(f) "Clinical supervision" means an interactional professional relationship between a supervisor and a social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner. "Approved clinical supervisor" means a licensed clinical social worker who has met the qualifications to be a clinical supervisor as determined by the board.

(g) "Supervision" means the professional relationship between a supervisor and a social worker that provides evaluation and direction over the services provided by the social worker and promotes continued development of the social worker's knowledge, skills and abilities to provide social work services in an ethical and competent manner.

(h) "Examination(s)" means that test or exam which is endorsed and prescribed by the * * * Association of * * * Social Work Boards.

(i) "ASWB" means Association of Social Work Boards.



164 (j) "Advertise" means, but is not limited to, issuing
165 or causing to be distributed any card, sign or device to any
166 person; causing, permitting or allowing any sign or marking on or
167 in any building; broadcasting by radio, television, or the
168 Internet; or advertising by any other means designed to secure
169 public attention.

170 (k) "Use a title or description of" means to hold
171 oneself out to the public as having a particular status by means
172 of stating it on signs, mailboxes, address plates, stationery,
173 announcements, calling cards, the Internet or other instruments of
174 professional identification.

175 (l) "Person" means any individual, firm, corporation,
176 partnership, organization or body politic.

177 (m) "Continuing education" means education and training
178 that are oriented to maintain, improve or enhance social work
179 practice knowledge and skills at the post-baccalaureate level.
180 "Continuing education hour" means a sixty-minute clock hour of
181 instruction, not including breaks or meals.

182 **SECTION 3.** Section 73-53-5, Mississippi Code of 1972, is
183 amended as follows:

184 73-53-5. (1) No provision in this chapter shall be
185 construed to prevent individuals licensed or certified by this
186 state, whose activities overlap with the practice of social work,
187 from carrying out the functions covered by their respective
188 licenses or certificates, or to prevent ministers or individuals
189 engaged in professional counseling who have recognized
190 professional degrees in counseling, guidance or a related
191 counseling field, whose activities overlap with the practice of
192 social work, from carrying out the functions for which they have
193 been trained, provided that such ministers or individuals shall
194 not hold themselves out to the public by any title set out in this
195 chapter.



(2) No provision in this chapter shall be construed to apply to or in any way interfere with any office, officer, agency or employee of the United States of America, while such office, officer, agency or employee is engaging in the performance of official duties within the course and scope of such employment or duties.

(3) No provision of this chapter shall be construed to apply to or in any way interfere with an individual who performs services described by this chapter solely for the benefit of a member of that individual's family without compensation.

(4) No provision of this chapter shall be construed to apply to or in any way interfere with the activities and services of a student while pursuing a course of professional education qualifying as education under this chapter if these activities or services constitute a part of such student's supervised course of study and such activities are supervised by a licensee under this chapter.

SECTION 4. Section 73-53-7, Mississippi Code of 1972, is amended as follows:

73-53-7. (1) A person, corporation, association or business entity shall not use, cause to be used or advertise in connection with that person's or party's name or the name or activity of the business the words, "social worker," "licensed social worker," "licensed master's social worker," "licensed certified social worker," "licensed clinical social worker," the letters "SW," "LSW," "LMSW," "LCSW" and/or any words, combination of words, abbreviations, or insignia indicating or implying directly or indirectly that social work services is provided or supplied unless those services are provided by a person holding a valid and current license issued under this chapter or under the supervision (as provided by board rule) of a licensed certified social worker with a valid and current license issued under this chapter.



228 A person who does not hold a valid and current license issued
229 by the board shall not practice social work, nor advertise the
230 performance of that practice.

231 A person or party who engages in or attempts to engage in the
232 conduct described by this section is considered to be engaged in
233 the practice of social work.

234 (2) Any person not licensed under this chapter on July 1,
235 1993, who is actively engaged in the practice of social work
236 before July 1, 1994, as an employee of the State of Mississippi or
237 any agency, political subdivision or municipality thereof or any
238 community action agency or Head Start agency, and who is not
239 eligible to be issued a license under subsection (3) of this
240 section, shall be issued a provisional license as a licensed
241 social worker by the board, if the person applies for such
242 provisional license before July 1, 1994, and, at the time that the
243 application is made, the person is so actively engaged. The
244 license shall be issued by the board upon application therefor,
245 the submission of proof satisfactory to the board of the
246 applicant's employment in the practice of social work as provided
247 in this subsection, and the payment of the appropriate fee. Such
248 license shall be valid for a maximum period of two (2) years, but
249 not to extend past June 30, 1995, during which time the
250 provisional licensee must pass the ASWB social work examination at
251 the basic level.

252 * * *

253 (3) From and after July 1, 2001, any person violating the
254 provisions of this chapter shall be guilty of a misdemeanor and,
255 upon conviction, shall be fined an amount not to exceed Five
256 Hundred Dollars (\$500.00) for his first violation, * * * One
257 Thousand Dollars (\$1,000.00) for the second violation, and Five
258 Thousand Dollars (\$5,000.00) for the third and each subsequent
259 violation.



SECTION 5. Section 73-53-8, Mississippi Code of 1972, is reenacted and amended as follows:

73-53-8. (1) There is created the Board of Examiners for Social Workers and Marriage and Family Therapists to license and regulate social workers and marriage and family therapists. The board shall be composed of ten (10) members, six (6) of which shall be social workers and four (4) of which shall be marriage and family therapists.

(2) Of the social worker members of the board, two (2) must be licensed social workers, and four (4) must be licensed master social workers or licensed certified social workers or a combination thereof. The marriage and family therapist members of the board must be licensed marriage and family therapists. For at least two (2) years immediately preceding his or her appointment, each marriage and family therapist appointee must have been actively engaged as a marriage and family therapist in rendering professional services in marriage and family therapy, or in the education and training of master's, doctoral or post-doctoral students of marriage and family therapy, or in marriage and family therapy research, and during the two (2) years preceding his or her appointment, must have spent the majority of the time devoted to that activity in this state. The initial marriage and family therapist appointees shall be deemed to be and shall become licensed practicing marriage and family therapists immediately upon their appointment and qualification as members of the board. All subsequent marriage and family therapist appointees to the board must be licensed marriage and family therapists before their appointment.

(3) The Governor shall appoint six (6) members of the board, four (4) of which shall be social workers and two (2) of which shall be marriage and family therapists, and the Lieutenant Governor shall appoint four (4) members of the board, two (2) of which shall be social workers and two (2) of which shall be



marriage and family therapists. Social worker members of the board shall be appointed from nominations submitted by the Mississippi Chapter of the National Association of Social Workers, and marriage and family therapist members of the board shall be appointed from nominations submitted by the Mississippi Association for Marriage and Family Therapy * * *. All appointments shall be made with the advice and consent of the Senate.

(4) The initial appointments to the board shall be made as follows: The Governor shall appoint one (1) social worker member for a term that expires on June 30, 1999, one (1) social worker member for a term that expires on June 30, 2001, two (2) social worker members for terms that expire on June 30, 2002, one (1) marriage and family therapist member for a term that expires on June 30, 1998, and one (1) marriage and family therapist member for a term that expires on June 30, 2000. The Lieutenant Governor shall appoint one (1) social worker member for a term that expires on June 30, 1998, one (1) social worker member for a term that expires on June 30, 2000, one (1) marriage and family therapist member for a term that expires on June 30, 1999, and one (1) marriage and family therapist member of the board for a term that expires on June 30, 2001. After the expiration of the initial terms, all subsequent appointments shall be made by the original appointing authorities for terms of four (4) years from the expiration date of the previous term. Upon the expiration of his or her term of office, a board member shall continue to serve until his or her successor has been appointed and has qualified. No person may be appointed more than once to fill an unexpired term or more than two (2) consecutive full terms.

(5) Any vacancy on the board before the expiration of a term shall be filled by appointment of the original appointing authority for the remainder of the unexpired term. Appointments to fill vacancies shall be made from nominations submitted by the



appropriate organization as specified in subsection (2) of this section for the position being filled.

(6) The appointing authorities shall give due regard to geographic distribution, race and sex in making all appointments to the board.

(7) The board shall select one (1) of its members to serve as chairman during the term of his or her appointment to the board. No person may serve as chairman for more than four (4) years. The board may remove any member of the board or the chairman from his or her position as chairman for (a) malfeasance in office, or (b) conviction of a felony or a crime of moral turpitude while in office, or (c) failure to attend three (3) consecutive board meetings. However, no member may be removed until after a public hearing of the charges against him or her, and at least thirty (30) days' prior written notice to the accused member of the charges against him or her and of the date fixed for such hearing. No board member shall participate in any matter before the board in which he has a pecuniary interest, personal bias or other similar conflict of interest.

(8) Board members shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of official board business as provided in Section 25-3-41.

(9) Four (4) social worker members and three (3) marriage and family therapist members of the board shall constitute a quorum of the board. In making its decisions and taking actions affecting the members of one (1) of the professions regulated by the board, the board shall consider the recommendations of the board members who are members of that profession. If the board is unable to have a quorum present at a regularly scheduled meeting location, the board may allow other members to participate in the meeting by telephone or other electronic means. In the case of an administrative hearing, when recusals from the process are



359 necessary, a quorum may consist of a simple majority of six (6)
360 members.

361 (10) The principal office of the board shall be in the City
362 of Jackson, but the board may act and exercise all of its powers
363 at any other place. The board shall adopt an official seal, which
364 shall be judicially noticed and which shall be affixed to all
365 licenses issued by the board.

366 (11) The board is authorized to employ, subject to the
367 approval of the State Personnel Board, an executive director and
368 such attorneys, experts and other employees as it may, from time
369 to time, find necessary for the proper performance of its duties
370 and for which the necessary funds are available, and to set the
371 salary of the executive director, subject to the approval of the
372 State Personnel Board. * * *

373 (12) The board, by a majority vote, from time to time may
374 make such provisions as it deems appropriate to authorize the
375 performance by any board member or members, employee or other
376 agent of the board of any function given the board in this chapter
377 or Sections 73-54-1 through 73-54-39.

378 **SECTION 6.** Section 73-53-10, Mississippi Code of 1972, is
379 reenacted and amended as follows:

380 73-53-10. (1) No appropriations from the State General Fund
381 shall be used to operate the board. The board shall be supported
382 by fees collected for license application and renewal and/or other
383 monies raised by the board.

384 (2) All fees and any other monies received by the
385 board, * * * shall be deposited in a special fund that is created
386 in the State Treasury and shall be used for the implementation and
387 administration of this chapter and Sections 73-54-1 through
388 73-54-39 when appropriated by the Legislature for such purpose.
389 The monies in the special fund shall be subject to all provisions
390 of the state budget laws that are applicable to special fund
391 agencies, and shall be disbursed by the State Treasurer only upon



warrants issued by the State Fiscal Officer upon requisitions signed by a designated board member and staff member designated by the * * * board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. * * *

SECTION 7. Section 73-53-11, Mississippi Code of 1972, is reenacted and amended as follows:

73-53-11. (1) In addition to the duties set forth elsewhere in this chapter and in Sections 73-54-1 through 73-54-39, the board is authorized to:

* * *

(a) Review the quality and availability of social work services provided in this state and make recommendations for change to the Legislature; * * *

(b) Recommend to the appropriate law enforcement official the bringing of civil actions to seek injunctions and other relief against * * * individuals engaged in the unlicensed practice of social work or marriage and family therapy for violations of this chapter or Sections 73-54-1 through 73-54-39;

(c) Adopt, amend or repeal any rules or regulations necessary to carry out the purposes of this chapter and Sections 73-54-1 through 73-54-39 and the duties and responsibilities of the board;

(d) Examine and determine the qualifications and fitness of applicants for licenses to practice social work and marriage and family therapy in this state and prepare or approve and conduct all examinations of applicants for licensure;

(e) Issue, renew, deny, suspend or revoke licenses to practice social work and marriage and family therapy in this state or otherwise discipline individuals licensed by the board;



424 (f) Investigate alleged or suspected violations of the
425 provisions of this chapter and Sections 73-54-1 through 73-54-39
426 or other laws of this state pertaining to social work and marriage
427 and family therapy and any rules and regulations adopted by the
428 board;

429 (g) Establish reasonable fees for application for
430 examination, certificates of licensure and renewal, and other
431 services provided by the board, not to exceed the amounts
432 specified in Section 73-53-15;

433 (h) Issue subpoenas for the attendance and testimony of
434 witnesses and the production of papers, records or other
435 documentary evidence. Any member of the board may administer
436 oaths or affirmations to witnesses appearing before the board. If
437 in any proceeding before the board any witness fails or refuses to
438 attend upon subpoena issued by the board, refuses to testify, or
439 refuses to produce any books and papers the production of which is
440 called for by the subpoena, the attendance of that witness and the
441 giving of his testimony and the production of the books and papers
442 shall be enforced by any court of competent jurisdiction of this
443 state in the manner provided for the enforcement of attendance and
444 testimony of witnesses in civil cases in the courts of this state;

445 (i) Maintain an office and employ or retain appropriate
446 personnel to carry out the powers and duties of the board;

447 (j) Adopt a code of ethics for licensed social workers
448 that includes the current National Association of Social Workers
449 Code of Ethics, and a code of ethics for licensed marriage and
450 family therapists that includes the American Association for
451 Marriage and Family Therapy Code of Ethics.

452 (k) Regulate the practice of social work and marriage
453 and family therapy by interpreting and enforcing this chapter and
454 Sections 73-54-1 through 73-54-39;



(l) Provide for the examination and supervision requirements for social workers and marriage and family therapists;

(m) Establish mechanisms for assessing the continuing professional competence of social workers and marriage and family therapists;

(n) Set criteria for continuing education;

(o) Establish and collect fees for sustaining the necessary operation and expenses of the board;

(p) Publish, at least annually, final disciplinary actions against licensees;

(q) Report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the board or as required by law;

(r) Share documents, materials, or other information, including confidential and privileged documents, materials, or information, received or maintained by the board with other state or federal agencies and with a national disciplinary database recognized by the board or as required by law, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(s) Participate in or conduct performance audits;

(t) Through its employees and/or representatives, enter and make inspections of any workplace or practice of a social worker or marriage and family therapist who is subject to investigation by the board in order to inspect and/or copy any record pertaining to clients or the practice of social work or marriage and family therapy under this chapter and/or Sections 73-54-1 through 73-54-39; and

(u) Conduct a criminal history records check on licensees whose licensure is subject to investigation by the board and on applicants for licensure. In order to determine the



488 applicant's or licensee's suitability for licensing, the applicant
489 or licensee shall undergo a fingerprint-based criminal history
490 records check of the Mississippi central criminal database and the
491 Federal Bureau of Investigation criminal history database. Each
492 applicant or licensee, as applicable, shall submit a full set of
493 the applicant's fingerprints in a form and manner prescribed by
494 the board, which shall be forwarded to the Mississippi Department
495 of Public Safety (department) and the Federal Bureau of
496 Investigation Identification Division for this purpose. The
497 department shall disseminate the results of the state check and
498 the national check to the board for a suitability determination.
499 The board shall be authorized to charge and collect from the
500 applicant or licensee, in addition to all other applicable fees
501 and costs, any amount as may be incurred by the board in
502 requesting and obtaining state and national criminal history
503 records information on the applicant or licensee.

504 Any and all state or national criminal history records
505 information obtained by the board that is not already a matter of
506 public record shall be deemed nonpublic and confidential
507 information restricted to the exclusive use of the board, its
508 members, officers, investigators, agents and attorneys in
509 evaluating the applicant's or licensee's eligibility or
510 disqualification for licensure, and shall be exempt from the
511 Mississippi Public Records Act of 1983. Except when introduced
512 into evidence in a hearing before the board to determine
513 licensure, no such information or records related thereto shall,
514 without the written consent of the applicant or licensee or by
515 order of a court of competent jurisdiction, be released or
516 otherwise disclosed by the board to any other person or agency.

517 * * *

518 (2) The board shall have such other powers as may be
519 required to carry out the provisions of this chapter.



(3) The powers and duties enumerated in this section are granted for the purpose of enabling the board to safeguard the public health, safety and welfare against unqualified or incompetent practitioners of social work or marriage and family therapy, and are to be liberally construed to accomplish this objective.

SECTION 8. Section 73-53-13, Mississippi Code of 1972, is amended as follows:

73-53-13. The board shall issue the appropriate license to applicants who meet the qualifications of this section.

(a) * * * A license as a "licensed social worker" shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Has a baccalaureate degree in social work from a college or university accredited by the Council on Social Work Education or Southern Association of Colleges and Schools and has satisfactorily completed the Association for Social Work Boards (ASWB) examination for this license; or

(ii) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(b) * * * A license as a "licensed master's social worker" shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Has a doctorate or master's degree from a school of social work accredited by the Council on Social Work Education; and

(ii) Has satisfactorily completed the ASWB examination for this license; or

(iii) Has a comparable license or registration from another state or territory of the United States of America



that imposes qualifications substantially similar to those of this chapter.

(c) * * * A license as a "licensed certified social worker" shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Is licensed under this section as a "master's social worker"; and

(ii) Has twenty-four (24) months of professional supervision and clinical or macro social work practice experience acceptable to the board, under appropriate supervision; and

(iii) Has satisfactorily completed the ASWB examination for this license; or

(iv) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(d) In addition to the above qualifications, an applicant for any of the above licenses must prove to the board's satisfaction:

(i) Age of at least twenty-one (21) years, and

(ii) Good moral character, which is a continuing requirement for licensure, and

(iii) United States of America citizenship or status as a legal resident alien, and

(iv) Absence of conviction of a felony related to the practice of social work for the last ten (10) years.

Conviction, as used in this subparagraph, includes a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilty, or a plea of nolo contendere, and



(v) That the applicant has not been declared mentally incompetent by any court, and if any such decree has ever been rendered, that the decree has since been changed, and

(vi) Freedom from dependency on alcohol or drugs, and

(vii) Complete criminal history records check, including a fingerprint and an acceptable sex offender check, by appropriate governmental authorities as prescribed by the board.

(e) Only individuals licensed as "certified social workers" shall be permitted to call themselves "clinical social workers."

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 9. Section 73-53-15, Mississippi Code of 1972, is amended as follows:

73-53-15. (1) Upon passing the examination and meeting the requirements prescribed for licensure and upon paying the initial licensure fee, an applicant shall be issued the appropriate license by the board. Except as provided in Section 33-1-39, licenses shall be renewed biennially after initial licensure in the manner prescribed by the rules and regulations of the board and upon the payment of the fees for renewal prescribed by the board. However, the fee for an initial license may be prorated in proportion to the period of time from the date of issuance.

(2) Any person who desires to be licensed as a social worker or marriage and family therapist shall apply to the board in writing on a form furnished by the board. The applicant shall provide any documents as required by the application forms provided by the board. The applicant shall pay the board at the time of filing an application fee to the board, no part of which shall be refunded. Additionally, the board shall adopt a fee schedule by rule and regulation, which shall include late fees.



617 (3) The initial and renewal license fees shall not exceed
618 Two Hundred Dollars (\$200.00) for a licensed social worker, Two
619 Hundred Fifty Dollars (\$250.00) for a licensed master's social
620 worker, and Three Hundred Fifty Dollars (\$350.00) for a licensed
621 certified social worker. When increased by the board, fees may
622 not be increased by more than ten percent (10%) of the amount of
623 the previous year's fee.

624 (4) Notwithstanding subsections (1) and (2) of this section,
625 in all instances where the board uses the services of a national
626 testing service for preparation, administration, or grading of
627 examinations, the applicant shall pay the required fees to the
628 national testing service, in addition to other board fees.

629 (5) During a lawfully declared local, state or national
630 disaster or emergency, the board may issue a temporary license to
631 any otherwise qualified social worker or marriage and family
632 therapist licensed and in good standing in another state or
633 territory of the United States of America and who meets any other
634 requirements as the board may prescribe by rule and regulation.

635 (6) Every person to whom a license is issued under the
636 authority of the board shall, as a condition precedent to its
637 issuance, pay the application and any other fee(s) prescribed by
638 the board.

639 **SECTION 10.** Section 73-53-17, Mississippi Code of 1972, is
640 amended as follows:

641 73-53-17. (1) Individuals licensed by the board shall
642 conduct their activities, services and practice in accordance with
643 the laws governing their professional practice and any rules
644 promulgated by the board. Licensees and applicants may be subject
645 to the exercise of the * * * sanctions enumerated in Section
646 73-53-23 if the board finds that a licensee or applicant has
647 committed any of the following:

648 (a) Negligence in the practice or performance of
649 professional services or activities;



650 (b) Engaging in dishonorable, unethical or
651 unprofessional conduct of a character likely to deceive, defraud
652 or harm the public in the course of professional services or
653 activities;

654 (c) Perpetrating or cooperating in fraud or material
655 deception in obtaining or renewing a license or attempting the
656 same;

657 (d) Violating the rules and regulations established by
658 the board;

659 (e) Violating the National Association of Social
660 Workers Code of Ethics or the American Association for Marriage
661 and Family Therapy Code of Ethics;

662 (f) Being convicted of any crime which has a
663 substantial relationship to the licensee's activities and services
664 or an essential element of which is misstatement, fraud or
665 dishonesty;

666 (g) Being convicted of any crime which is a felony
667 under the laws of this state or of the United States of America;

668 (h) Engaging in or permitting the performance of
669 unacceptable services personally * * * due to the licensee's
670 deliberate or grossly negligent act or acts or failure to act,
671 regardless of whether actual damage or damages to the public is
672 established, or assuming responsibility for another's work by
673 signing documents without personal knowledge of the work as
674 established by board rule;

675 (i) Continued practice although the licensee has become
676 unfit to practice social work due to: (i) failure to keep abreast
677 of current professional theory or practice; or (ii) physical or
678 mental disability; the entry of an order or judgment by a court of
679 competent jurisdiction that a licensee is in need of mental
680 treatment or is incompetent shall constitute mental disability; or
681 (iii) addiction or severe dependency upon alcohol or other drugs



which may endanger the public by impairing the licensee's ability to practice;

(j) Continued practice although the individual failed to renew and has a lapsed license;

(k) Having disciplinary action taken against the licensee's license in another state;

(l) Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin;

(m) Engaging in lewd conduct in connection with professional services or activities;

(n) Engaging in false or misleading advertising;

(o) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter;

(p) Violation of any probation requirements placed on a licensee by the board;

(q) Revealing confidential information except as may be required by law;

(r) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;

(s) Charging excessive or unreasonable fees or engaging in unreasonable collection practices.

(2) The board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(3) Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 73-53-23.

(4) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the



license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 11. Section 73-53-19, Mississippi Code of 1972, is amended as follows:

73-53-19. All complaints concerning a licensee's business or professional practice shall be received by the board. Each complaint received shall be logged, recording at a minimum the following information: (a) licensee's name; (b) name of the complaining party * * *; (c) date of complaint; (d) brief statement of complaint; and (e) disposition.

SECTION 12. Section 73-53-21, Mississippi Code of 1972, is amended as follows:

73-53-21. (1) Any person whose application for a license is denied shall be entitled to a hearing before the board if he or she submits a written request for a hearing to the board. The board shall fix a time and place for the hearing and shall cause a written copy of the reason for denial of the license, together with a notice of the time and place fixed for the hearing to be served on the applicant requesting the hearing.

(2) Following the investigative process, the board may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.



(3) Each licensee whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least thirty (30) days before the date of the hearing, which hearing shall be presided over by the board or the board's designee.

(4) Service shall be considered to have been given if the notice was personally served on the licensee or applicant or if the notice was sent by certified United States mail to the licensee or applicant to the licensee's or applicant's last known address as listed of record with the board.

* * *

(5) The board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the board shall issue an order.

(6) All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SECTION 13. Section 73-53-23, Mississippi Code of 1972, is amended as follows:

73-53-23. (1) The board may impose any of the following sanctions, singly or in combination, when it finds that a licensee or applicant has committed any * * * offense listed in Section 73-53-17:

- (a) Revocation of the license;
- (b) Suspension of the license, for any period of time;
- (c) Censure the licensee;
- (d) Issue a letter of reprimand to the licensee;
- (e) Impose a monetary penalty in an amount not to exceed Five Hundred Dollars (\$500.00) for the first violation, One Thousand Dollars (\$1,000.00) for the second violation, and Five Thousand Dollars (\$5,000.00) for the third and each subsequent violation;



780 (f) Place a licensee on probationary status and require
781 the licensee to submit to any of the following: (i) report
782 regularly to the board upon matters which are the basis of
783 probation; (ii) continue to renew professional education until a
784 satisfactory degree of skill has been attained in those areas
785 which are basis of probation; or (iii) such other reasonable
786 requirement or restrictions as are proper;

787 (g) Refuse to issue or renew a license; * * *

788 (h) Revoke probation which has been granted and impose
789 any other disciplinary action in this subsection when the
790 requirements of probation have not been fulfilled or have been
791 violated;

792 (i) Restrict a license; and/or

793 (j) Accept a voluntary surrendering of a license based
794 on an order of consent from the board.

795 (2) The board may summarily suspend a license issued by the
796 board without a hearing simultaneously with the filing of a formal
797 complaint and notice for a hearing provided by this chapter and
798 Section 73-54-1 through 73-54-39 pending proceedings before the
799 board. If the board suspends summarily a license under the
800 provisions of this subsection, a hearing must begin within twenty
801 (20) days after such suspension begins, unless continued at the
802 request of the licensee.

803 (3) Disposition of any formal complaint may be made by
804 consent order or stipulation between the board and the licensee.

805 (4) The board may reinstate any licensee to good standing
806 under this chapter if * * * the board is satisfied that the
807 applicant's renewed practice is in the public interest. The
808 procedure for the reinstatement of a license that is suspended for
809 being out of compliance with an order for support, as defined in
810 Section 93-11-153, shall be governed by Section 93-11-157 or
811 93-11-163, as the case may be.



(5) The board shall seek to achieve consistency in the application of the foregoing sanctions, and significant departure from prior decisions involving similar conduct shall be explained by the board.

(6) In addition to any other power that it has, the board may issue an advisory letter to a licensee if it finds that the information received in a complaint for an investigation does not merit disciplinary action against the licensee.

(7) The board may also assess and levy upon any licensee or applicant for licensure the costs incurred or expended by the board in the investigation and prosecution of any licensure or disciplinary action, including but not limited to, the cost of process service, court reports, expert witness, investigators, and attorney fees.

SECTION 14. Section 73-53-27, Mississippi Code of 1972, is amended as follows:

73-53-27. * * *

(1) The board has the power to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial proceedings in civil cases. Any member of the board or its designee has the power to administer oaths at any hearing which the board is authorized by law to conduct.

(2) The board * * * shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked, suspended, placed on probationary status, or other disciplinary action taken with regard thereto. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the recording of testimony, the report of the board, and the orders of the board constitute the record of such proceedings. The board shall furnish a transcript of such



record to any person interested in such hearing upon payment of the cost of each original transcript or for each copy.

(3) Upon the suspension or revocation of a license issued under Section 73-53-13, a licensee shall be required to surrender the license to the board, and upon failure to do so the board shall have the right to seize the same.

* * *

SECTION 15. Section 73-54-1, Mississippi Code of 1972, is reenacted as follows:

73-54-1. This chapter shall be known and may be cited as the "Marriage and Family Therapy Licensure Act of 1997."

SECTION 16. Section 73-54-3, Mississippi Code of 1972, is reenacted as follows:

73-54-3. Marriage and family therapy in the State of Mississippi is declared to be a professional practice that affects the public safety and welfare and requires appropriate regulation and control in the public interest.

It is the purpose of this chapter to establish a regulatory agency, a structure, and procedures that will ensure that the public is protected from unprofessional, improper, unauthorized and unqualified practice of marriage and family therapy. This chapter shall be liberally construed to carry out these policies and purposes.

SECTION 17. Section 73-54-5, Mississippi Code of 1972, is reenacted and amended as follows:

73-54-5. As used in this chapter and in Section 73-53-8, unless the context clearly requires a different meaning:

(a) "Licensed marriage and family therapist" means a person to whom a license has been issued under this chapter and Section 73-53-8, which license is in force and not suspended or revoked as of the particular time in question.

(b) "Licensed marriage and family therapy associate" means a person to whom a marriage and family therapy associate



877 license has been issued under this chapter and Section 73-53-8,
878 which license is in force and not suspended or revoked as of the
879 particular time in question.

880 (c) "Marriage and family therapy" means the rendering
881 of professional therapy services to individuals, families or
882 couples, singly or in groups, and involves the professional
883 application of psychotherapeutic and family systems theories and
884 techniques in the delivery of therapy services to those persons.

885 (d) "Practice of marriage and family therapy" means the
886 rendering of professional marriage and family therapy services to
887 individuals, couples and families, singly or in groups, whether
888 those services are offered directly to the general public or
889 through organizations, either public or private, for a fee,
890 monetary or otherwise.

891 (e) "Advertise" means, but is not limited to, issuing
892 or causing to be distributed any card, sign or device to any
893 person; causing, permitting or allowing any sign or marking on or
894 in any building; broadcasting by radio or television; or
895 advertising on the Internet or by any other means designed to
896 secure public attention.

897 (f) "Use a title or description of" means to hold
898 oneself out to the public as having a particular status by means
899 of stating it on signs, mailboxes, address plates, stationery,
900 announcements, calling cards, the Internet or other instruments of
901 professional identification.

902 (g) "Board" means the Board of Examiners for Social
903 Workers and Marriage and Family Therapists created by Section
904 73-53-8.

905 (h) "Institution of higher education" means any
906 regionally accredited institution of higher learning in the United
907 States that offers a master's or doctoral degree; for foreign
908 universities, this term means an institution of higher education



909 accredited by a legal agency of that country that is satisfactory
910 to the board.

911 (i) "Examination" means the test or exam endorsed or
912 prescribed by the Association for Marital and Family Therapy
913 Regulatory Boards.

914 (j) "Person" means any individual, firm, corporation,
915 partnership, organization or body politic.

916 **SECTION 18.** Section 73-54-7, Mississippi Code of 1972, is
917 reenacted and amended as follows:

918 73-54-7. A person who does not hold a valid and current
919 license issued by the board shall not practice marriage and family
920 therapy, nor advertise the performance of that practice. Except
921 as specifically exempted in Section 73-54-9, beginning September
922 1, 1997, any person who represents himself or herself by the title
923 or description "marital or marriage therapist," "licensed marital
924 or marriage and family therapist," or any other name, style or
925 description denoting that the person is a marriage and family
926 therapist or marriage and family counselor without having first
927 complied with the provisions of this chapter shall be guilty of a
928 misdemeanor and, upon conviction thereof, shall be punished by a
929 fine of not less than Five Hundred Dollars (\$500.00) nor more than
930 One Thousand Dollars (\$1,000.00) for each offense.

931 **SECTION 19.** Section 73-54-9, Mississippi Code of 1972, is
932 reenacted and amended as follows:

933 73-54-9. (1) A person shall be exempt from the requirements
934 of this chapter if the person is a marriage and family therapy
935 intern or person preparing for the practice of marriage and family
936 therapy under qualified supervision in a training institution or
937 facility or supervisory arrangement recognized and approved by the
938 board, provided he or she is designated by such titles as
939 "marriage and family therapy intern," * * * "family therapy
940 intern" or others, clearly indicating such training status.



(2) Nothing in this chapter shall prevent licensed or certified members of other professional groups as defined by their board, including, but not limited to, physicians, psychologists, clinical nurse specialists, clinical social workers, licensed professional counselors, or duly ordained ministers or clergy while functioning in their ministerial capacity, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions.

(3) Nothing in this chapter shall be construed as permitting licensed marriage and family therapists to engage in the practice of psychology. Marriage and family therapists may provide testing consistent with the scope of their education, training and experience. Testing shall occur within the context of a therapeutic relationship.

SECTION 20. Section 73-54-11, Mississippi Code of 1972, is reenacted and amended as follows:

73-54-11. (1) The board shall administer and enforce the provisions of this chapter. The board shall from time to time adopt such rules and regulations and such amendments thereof and supplements thereto as it may deem necessary to enable it to perform its duties under, and to carry into effect the provisions of, this chapter. Such rules and regulations shall be adopted in accordance with the Mississippi Administrative Procedures Law (Section 25-43-1 et seq.).

(2) The board shall examine and pass on the qualifications of all applicants under this chapter, and shall issue a license to each successful applicant therefor, attesting to his or her professional qualifications to be a marriage and family therapist or marriage and family therapy associate.

SECTION 21. Section 73-54-13, Mississippi Code of 1972, is reenacted and amended as follows:

73-54-13. Each person desiring to obtain a license as



a * * * marriage and family therapist or marriage and family therapy associate shall make application thereof to the board in such manner as the board prescribes and with required application fees and shall furnish evidence satisfactory to the board that he or she:

(a) Is of good moral character;

(b) Has not engaged or is not engaged in any practice or conduct which would be a ground for refusing to issue a license under Section 73-54-29 or Section 73-53-17;

(c) Is qualified for licensure pursuant to the requirements of this chapter; and

(d) Is at least twenty-one (21) years of age.

SECTION 22. Section 73-54-15, Mississippi Code of 1972, which prescribes the qualifications for marriage and family therapist license applicants on or before September 1, 2000, is repealed.

SECTION 23. Section 73-54-17, Mississippi Code of 1972, is reenacted and amended as follows:

73-54-17. (1) Any person who applies for a marriage and family therapy license after September 1, 2000, shall be issued that license by the board if he or she meets the qualifications set forth in Section 73-54-13, and submits the required application fees, and provides satisfactory evidence to the board that he or she:

(a) Meets educational and experience qualifications as follows:

(i) Holds a master's degree or doctoral degree in marriage and family therapy from an institution of higher education in a program that is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or that was in COAMFTE candidacy status at the time of graduation and subsequently received COAMFTE accreditation;



1006 (ii) Following the receipt of the first qualifying
1007 degree, has at least two (2) years of supervised experience in
1008 marriage and family therapy, or its equivalent, acceptable to the
1009 board * * *; and

1010 (iii) Has completed at least one hundred (100)
1011 hours of marriage and family therapy supervision following receipt
1012 of the first qualifying degree, as defined by the board; and

1013 (b) Passes the national Examination in Marital and
1014 Family Therapy prescribed by the Association for Marital and
1015 Family Therapy Regulatory Boards; and

1016 (c) Has been successfully cleared through a criminal
1017 history records check, including a fingerprint and an acceptable
1018 sex offender check, by appropriate governmental authorities as
1019 prescribed by the board.

1020 (2) Any person who applies for a marriage and family therapy
1021 associate license after September 1, 2011, shall be issued that
1022 license by the board for a period of twenty-four (24) months,
1023 which may be renewed biennially for a period not to exceed a total
1024 of forty-eight (48) months, if the applicant meets the
1025 qualifications set forth in Section 73-54-13, submits the required
1026 application fees, and provides satisfactory evidence to the board
1027 that he or she:

1028 (a) Holds a master's degree or doctoral degree in
1029 marriage and family therapy from an institution of higher
1030 education in a program that is accredited by the Commission on
1031 Accreditation for Marriage and Family Therapy Education (COAMFTE),
1032 or that was in COAMFTE candidacy status at the time of graduation
1033 and subsequently received COAMFTE accreditation;

1034 (b) Completed a clinical practicum that consisted of a
1035 minimum of five hundred (500) client contact hours and one hundred
1036 (100) hours of clinical supervision before receipt of the
1037 qualifying degree;



1038 (c) Passes the national Examination in Marital and
1039 Family Therapy prescribed by the Association for Marital and
1040 Family Therapy Regulatory Boards;

1041 (d) Provides all professional services under the
1042 supervision of a qualified supervisor in accordance with a
1043 supervision contract approved by the board; and

1044 (e) Has been successfully cleared through a criminal
1045 history records check, including a fingerprint and an acceptable
1046 sex offender check, by appropriate governmental authorities as
1047 prescribed by the board.

1048 **SECTION 24.** Section 73-54-19, Mississippi Code of 1972, is
1049 reenacted and amended as follows:

1050 73-54-19. (1) The board shall administer the national
1051 examination at least once a year at a time and place designated by
1052 the board.

1053 (2) An applicant shall be required to pass the national
1054 Examination of Marital and Family Therapy prescribed by the
1055 Association of Marital and Family Therapy Regulatory Boards.

1056 (3) The cost of the examination and the cost of
1057 administering the examination, in addition to all other fees
1058 associated with the examination, shall be paid by the applicant at
1059 the time of application.

1060 **SECTION 25.** Section 73-54-23, Mississippi Code of 1972, is
1061 reenacted and amended as follows:

1062 73-54-23. The board shall issue a license by examination of
1063 credentials to any applicant licensed or certified as a marriage
1064 and family therapist in another state that has such requirements
1065 for the license or certificate that the board is of the opinion
1066 that the applicant is competent to engage in the practice of
1067 marriage and family therapy in this state, provided that the
1068 applicant submits an application on forms prescribed by the board,
1069 has passed the national Examination in Marital and Family Therapy,



1070 and pays the original licensure fee prescribed by Section
1071 73-54-25.

1072 **SECTION 26.** Section 73-54-25, Mississippi Code of 1972,
1073 which directs the board to charge an application fee and
1074 examination fee to applicants for licensure as a marriage and
1075 family therapist, is repealed.

1076 **SECTION 27.** Section 73-54-27, Mississippi Code of 1972, is
1077 reenacted and amended as follows:

1078 73-54-27. (1) Except as provided in Section 33-1-39,
1079 licenses issued under this chapter shall be valid for two (2)
1080 years and must be renewed biennially, * * * with the renewal fee
1081 being determined by the board but not to exceed Three Hundred
1082 Fifty Dollars (\$350.00).

1083 (2) The license of any marriage and family therapist or
1084 marriage and family therapy associate who fails to renew
1085 biennially by the license expiration date shall lapse; the failure
1086 to renew the license shall not deprive the marriage and family
1087 therapist or marriage and family therapy associate of the right of
1088 renewal thereafter. Such lapsed license may be renewed within a
1089 period of two (2) years after such lapse upon payment of all fees
1090 in arrears.

1091 (3) A marriage and family therapist wishing to renew a
1092 license that has been lapsed for more than two (2) years shall be
1093 required to reapply for licensure.

1094 * * *

1095 (4) The board shall require each licensed marriage and
1096 family therapist and marriage and family therapy associate to
1097 participate in approved continuing education activities in order
1098 to renew a license issued under this chapter.

1099 (5) Any licensed marriage and family therapist who notifies
1100 the board, in writing on forms prescribed by the board, may place
1101 his or her license on inactive status and shall be excused from
1102 the payment of renewal fees until the person notifies the board in



writing of the intention to resume active practice. Any licensed marriage and family therapist requesting his or her license to be changed from inactive to active status shall be required to pay the current fee and shall also demonstrate compliance with continuing education requirements as defined by the board. Licensed marriage and family therapy associates are not eligible for inactive status.

SECTION 28. Section 73-54-29, Mississippi Code of 1972, is reenacted and amended as follows:

73-54-29. Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated under this chapter. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in Section 73-53-23 if the board finds that a licensee is guilty of any of the actions listed in Section 73-53-17(1) or is guilty of any of the following:

(a) Violation of any provision of this chapter or any rules or regulations of the board adopted under the provisions of this chapter.

(b) Other just and sufficient cause which renders a person unfit to practice marriage and family therapy as determined by the board, but not limited to:

(i) Habitual use of alcohol or drugs to an extent that affects professional competence;

(ii) Adjudication as being mentally incompetent by a court of competent jurisdiction;

(iii) Practicing in a manner detrimental to the public health and welfare;

(iv) Revocation of a license or certification by a licensing agency or by a certifying professional organization; * * *

(v) Any other violation of this chapter or the code of ethical standards of the American Association of Marriage



and Family Therapy or other ethical standards adopted by the board under the provisions of this chapter; or

(vi) Continued practice although the individual failed to renew and has a lapsed license.

SECTION 29. Section 73-54-31, Mississippi Code of 1972, is reenacted as follows:

73-54-31. (1) The board shall conduct its hearings and disciplinary proceedings in accordance with the provisions of Sections 73-53-17 through 73-53-27, this section and rules and regulations adopted by the board. Any person may be heard by the board in person or by attorney. Every vote and official act of the board shall be entered of record. Executive sessions may be used when discussing individual applicants or for any other purposes allowed by Section 25-41-7. All other hearings and rule-making proceedings shall be open to the public as provided in the Open Meetings Act (Section 25-41-1 et seq.). A record shall be made of every hearing before the board.

(2) For the purposes of Sections 73-53-17 through 73-53-27 and this section, the board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers and documents relating to any matter under investigation. Subpoenas shall be issued by the board upon application by any party to a proceeding before the board and a showing of general relevance and reasonable scope. For noncompliance with a subpoena, the board may apply to the circuit court for an order requiring the person subpoenaed to appear before the board and testify and produce books, papers or documents if so ordered. Failure to obey such order of the court may be punished by the court as contempt.

SECTION 30. Section 73-54-33, Mississippi Code of 1972, is reenacted as follows:

73-54-33. In any proceeding before the board involving the granting, suspension or revocation of a license or in other



proceedings in which expert testimony relating to the practice of marriage and family therapy is necessary, the board may hear evidence from a qualified expert witness or witnesses selected by parties.

SECTION 31. Section 73-54-35, Mississippi Code of 1972, is reenacted as follows:

73-54-35. As an additional remedy to those authorized in Section 73-53-23, the board may proceed in the circuit court to enjoin and restrain any unlicensed person from violating any provision of this chapter. The board shall not be required to post bond to such proceeding.

SECTION 32. Section 73-54-37, Mississippi Code of 1972, is reenacted and amended as follows:

73-54-37. No person licensed under this chapter as a marriage and family therapist or marriage and family therapy associate, in the course of formally reporting, conferring or consulting with administrative superiors, colleagues, consultants, employees, associates or supervisors, who share professional responsibility, shall be required to disclose any information which he may have acquired in rendering marriage and family therapy services, except:

(a) In the course of formally reporting, conferring or consulting with administrative superiors, colleagues, consultants, or supervisors, who share professional responsibility, in which instance all receipts of the information are similarly bound to regard the communications as privileged; or

(b) With written consent from the client or, in the case of death or disability, or in case of the minor, with the written consent of his or her parent, legal guardian or conservator, or other person authorized by the court to file suit; or

(c) When a communication reveals the contemplation of a * * * harmful act, or intent to commit suicide; or



1202 (d) When a person waives the privilege by bringing
1203 charges against a licensed marriage and family therapist or
1204 marriage and family therapy associate for breach of privileged
1205 communication, or any other charge.

1206 **SECTION 33.** Section 73-54-39, Mississippi Code of 1972, is
1207 reenacted and amended as follows:

1208 73-54-39. If both parties to a marriage have obtained
1209 marriage and family therapy by a licensed marriage and family
1210 therapist or marriage and family therapy associate, the therapist
1211 or therapy associate shall not be competent to testify in an
1212 alimony, custody or divorce action concerning information acquired
1213 in the course of the therapeutic relationship.

1214 **SECTION 34.** Section 73-54-41, Mississippi Code of 1972, is
1215 amended as follows:

1216 73-54-41. Sections 73-54-1 through 73-54-39, and Sections
1217 73-53-3, 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand
1218 repealed on July 1, 2014.

1219 **SECTION 35.** This act shall take effect and be in force from
1220 and after July 1, 2011.

